

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DAPREI D.W. HARRIS,

Plaintiff,

vs.

COYOTE RIDGE CORRECTIONS  
CENTER, JEFFREY C. NELSON  
and DEPARTMENT OF  
CORRECTIONS,

Defendants.

NO. CV-11-5144-JPH

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING COMPLAINT WITH  
PREJUDICE

**1915(g)**

Magistrate Judge Hutton filed a Report and Recommendation on March 21, 2012, recommending Mr. Harris's complaint be dismissed with prejudice for failure to state a claim upon which relief may be granted (ECF No. 11). There being no objections, the court **ADOPTS** the Report and Recommendation. The Complaint is **DISMISSED WITH PREJUDICE** under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings three or more civil actions or appeals which are dismissed as frivolous or for failure to state a claim will be precluded from bringing any other civil action or appeal *in forma pauperis* "unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). **Plaintiff is advised to read the new statutory provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of the three dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to file**

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING  
COMPLAINT WITH PREJUDICE -- 1

1 future claims.

2 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
3 Order, enter judgment, forward copies to Plaintiff at his last known address, and close the  
4 file. The District Court Executive is further directed to forward a copy of this Order to  
5 the Office of the Attorney General of Washington, Criminal Justice Division. The court  
6 certifies any appeal of this dismissal would not be taken in good faith.

7 **DATED** this 19<sup>th</sup> day of April 2012.

8  
9 s/Robert H. Whaley  
10 **ROBERT H. WHALEY**  
11 United States District Judge

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